

# **EXHIBIT “1”**

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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

JOHN DOE A/K/A BRIAN SAPIENT,

Plaintiff,

vs.

URI GELLER

and

EXPLOROLOGIST LTD.,

Defendants

Case No.: C 07 2478 VRW

DECLARATION OF SHIMSHON  
SHTRANG IN SUPPORT OF MOTION TO  
DISMISS

I, Shimshon Shtrang, declare:

1. I make this declaration under penalty of perjury and could testify competently to the matters set forth herein if called to testify. All matters stated herein are based on my personal knowledge unless specifically noted otherwise.
2. I am an officer of Explorologist Ltd., which is a limited liability company organized and existing under the laws of the England and Wales with offices in London, United Kingdom.
3. The Plaintiff, Brian J. Cutler aka John Doe aka Brian Sapient (Sapient) is a resident of Pennsylvania living at the address 303 Warren Road Hatsboro, PA. 19140.
4. Explorologist Ltd., does not own any real property in California.
5. Explorologist Ltd., has never maintained an office anywhere in California.

- 1 6. Explorologist Ltd., has never had any telephone listing or mailing address in California.
- 2 7. Explorologist Ltd., has never had any bank accounts or personal property in California.
- 3
- 4 8. Explorologist Ltd., has never directed any advertising specifically targeting California
- 5 residents, nor has it advertised in any publication directed primarily towards California
- 6 residents.
- 7 9. In 1987, I created the film "Dr Hughes", at a public performance which took place at the
- 8 Hexagon in Reading, England at a charity show for the purpose of obtaining funding for the
- 9 purchase of a new scanner for the Royal Berkshire Hospital. This film is protected by
- 10 English Copyright Law.
- 11
- 12 10. Upon information and belief Sapient edited then uploaded a portion of a NOVA TV show
- 13 entitled "Secrets of the Psychics" to www.youtube.com November 2006. He renamed it
- 14 "James Randi exposes Uri Geller and Peter Popoff." The film, "Dr Hughes", I created was
- 15 incorporated in to his posting.
- 16
- 17 11. After I saw the film, which I created incorporated into the Defendant's posting on YouTube,
- 18 I looked up its terms of use. I discovered the following:
- 19 In connection with User Submissions, you further agree that you will not: (i)
- 20 submit material that is copyrighted, protected by trade secret or otherwise subject
- 21 to third party proprietary rights, including privacy and publicity rights, unless you
- 22 are the owner of such rights or have permission from their rightful owner to post
- 23 the material and to grant YouTube all of the license rights granted herein...
- 24 Terms of Use §.5.B. User Submissions. I also discovered that prior to uploading you get the
- 25 following warning from YouTube:
- 26 Do not upload any TV shows, music videos, music concerts, or commercials
- 27 without permission unless they consist entirely of content you created yourself.
- 28 By clicking "Upload Video," you are representing that this video does not violate
- YouTube's Terms of Use and that you own all copyrights in this video or have
- express permission from all copyright owners to upload it.

1 12. Next I went to Sapient's website. I saw several things there that shocked, angered and  
2 repulsed me including a solicitation to children to commit blasphemy by renouncing their  
3 faith in god. Next I saw several of Sapient's other YouTube posting including a video clip of  
4 a man, by the name of David Mills, in which he picked up dog feces with a bible and wiped it  
5 on the face of Jesus. After seeing these things I did not want anything that I created  
6 associated with Sapient, his web site or his YouTube postings.  
7

8 13. As a result, on March 23, 2007, I faxed a three month old (December 28, 2006) YouTube  
9 DCMA form I found in my office, to YouTube. Next I sent an email request to YouTube  
10 asking for the posting to be removed. The contents of that e-mail was as follows:  
11

12 From: "uri Geller" <uri@urigeller.com>  
13 Subject: RE: [#93788937] [http://www.youtube.com/watch?v=K\\_Mkx16ubaA](http://www.youtube.com/watch?v=K_Mkx16ubaA)  
14 Date: Fri, 23 Mar 2007 09:30:52 -0000

15 Hi Justin,  
16 I faxed the DMCA form...

17 These clip <http://www.youtube.com/watch?v=M9w7jHYriFo> and  
18 <http://www.youtube.com/watch?v=jBQD2uunYYY> was removed by you previously and  
19 was put on right back. In it there are several scenes and photos that the copy right belong  
20 to us. There is an English Dr. who introduces Uri which is a copyright infringement and  
21 some scenes from a documentary we did and the usage of the Carson clip is without our  
22 consent...

23 Thanks for your help.  
24 Regards,  
25 Shipi

26 14. An accurate copy of the contents of my March 23, 2007, e-mail exchange with YouTube Is  
27 attached hereto and marked exhibit 2.

28 15. The faxing of the form and the sending of this e-mail was my personal act prompted by what  
I saw at Sapient's website. My intent was to assert copyright ownership on behalf of myself

1 and Explorologist Ltd. Additionally I wanted to disclose Sapient's violation of YouTube's  
2 terms of use.

3  
4 16. I was not asked or directed to do this by anyone.

5 17. My brother-in-law, Uri Geller, had no knowledge of this until I told him later.

6 18. On March 26, 2007, Sapient sent a counter notification to YouTube stating:

7 I am officially counter-notifying per your procedures. The video that you have  
8 removed from claimant "Explorologist LTD" is NOT owned by Explorologist.  
9 Explorologist is just the front name for a guy named "Uri Geller" who is a  
10 professional con man. He has now conned you into believing this video belongs  
11 to him, additionally I am not the only one he did this too. He has claimed  
ownership of many videos on youtube in the last few days that expose him as a  
fraud.

12 I spoke to the man who produced the segment (James Randi) for the Tonight  
13 show and Nova on Saturday. He was given permission by Johnny Carson to use  
14 the video of Geller however he sees fit many years ago, Johnny Carson and him  
15 were close friends (yes Johnny Carson of the tonight show). You can contact  
James Randi at: 954-467-1112 or 954-560-1114

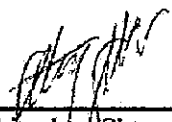
16 I would like the video made accessible again. Additionally I'm not sure if it is  
17 related, I can only assume it was but my entire account has been suspended. If in  
18 fact it was suspended as a result of copyright infringement, please reinstate my  
19 account. Also, I would suggest legal proceedings be brought against Uri Geller  
(Explorologist LTD) for fraudulently submitting a copyright request. Is that up to  
me to put in motion, or is that your responsibility?

20 Under penalty of perjury I choose to willingly make a statement that the material  
21 was disabled/removed as a mistake. Additionally, I under penalty of perjury  
22 consent to jurisdiction of federal court.

Thanks for your attention to this matter,

23 Brian Sapient  
24 2821 Glenview Street  
Philadelphia, PA. 19149  
25 account name: rationalresponse  
215-253-3733  
26 (consider that a signature under penalty of perjury)

27 I declare under penalty of perjury that the foregoing is true and correct, and that I executed this  
28 declaration on July 24, 2007 in London, United Kingdom.

1   
2 Shimshon Shtrang

3 Dated: July 24, 2007  
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